

A regular meeting of the Town Board of the Town of Moreau was held on October 25, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:10 p.m.

The Town Clerk called the roll.

Town Board Members Present

Alan VanTassel	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Peggy Jenkins, Assessor; Elizabeth Lanfear, Supervisor’s Confidential Secretary; Malcolm O’Hara, Attorney for the Town; Kathleen Moore, Post Star reporter; Reed Antis, Planning Board member and Town resident; Town Residents: Mary Jenkins, Bill Austin, Vince Spoorer, Kim & Richard Hoover, Anne Blauvelt, Nicholas Quinn, Carol Alden, Jim Rando, Bonni Garvey, Chad Mitchell; Village Residents: Brigid Martin, Maggie Centerbar, Ann Celeste and Charlie Granger

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from October 4, 2016, October 11, 2016 (2 sets) and October 17, 2016 were presented to the Town Board prior to the meeting for their review, comment, correction and approval.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from October 11, 2016 (2 sets) as prepared.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to approve the minutes from October 4, 2016 as prepared.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Abstain
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to approve the minutes from October 17, 2016 as prepared.

Roll call vote resulted as follows:

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Councilman VanTassel	Abstain
Councilman Prendergast	Abstain
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

SET FUTURE MEETINGS AND WORKSHOPS

There were two additional budget workshops scheduled for November 1, 2016 and November 2, 2016 both at 6:30 p.m.

PUBLIC COMMENT PERIOD solely for comments relating to items on the agenda

None

DEER RUN & PHEASANT WAY – SPEED REDUCTION REQUEST

The Supervisor’s office had received a petition to reduce the speed limit for Pheasant Way and Deer Run in the Town of Moreau. Kim Hoover spoke on behalf of the residents who had signed the petition. She stated that 30mph is too fast in that neighborhood. She stated that she was surprised that nobody has been hurt. The Attorney for the Town stated that the speed limit can’t be any lower than 25 mph. He explained that a resolution is needed, to submit a request for the reduction, to the County Highway Superintendent and he will give his recommendation to the State. The Supervisor asked about the sharp curves on these streets and Attorney O’Hara stated that the County Highway would have to give a recommendation to those as well as the reduction in speed. There were several comments made with regard to the speed and safety of the residents on these streets. There was a statement made that in some neighborhoods the speed limits are 15 mph. Attorney O’Hara stated that only if they’re near public schools or they’re not public streets, can the limits go under 25 mph. He stated, that by State Law, they can’t go under 25 mph.

A motion was made by Supervisor Congdon and seconded by Councilman VanTassel authorizing the Supervisor, of the Town of Moreau, to file a speed limit reduction request with Saratoga County for Pheasant Way and Deer Run in the Town of Moreau.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

The Town Clerk asked the Town Board if she is going to be giving the County a suggested speed limit of 25mph. The Supervisor replied no and that he was going to make up more than just that. The Clerk asked if he was going to be doing more than that on the form and the Supervisor replied yes and that he would give the form back to her.

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel authorizing the purchase of guiderail replacement for Old West Road from TCBR in the amount of \$16,484.00, under County contract #16-PWUGR-36R. This will be paid from account DB5110.494 with a balance of \$17,500.00 after a transfer was made.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
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Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

There was a request from the Highway Superintendent for the purchase of Rock Salt from American Rock Salt in the amount of \$60,000.00 for the 2016 budget year. The Supervisor stated that he would like to know more about our quantities and usage. He stated that the Town has quite a bit on hand right now. He wanted to see how our salt compares with other towns, for the miles of road that they salt. He stated that there are environmental problems associated with using salt and suggested that everyone could probably back up. He stated that he doesn't want to see an excess of salt spread around. The Supervisor stated that there was time and another meeting coming up, to get the information from the Highway Superintendent that he had requested. He asked the Board if that was acceptable. There was no opposition to his request.

OLD BUSINESS

Handicapped Accessibility

The Supervisor reported that he would like to have a curb cut in place at the Town Clerk end of the building before winter. He stated that he would like authorization to spend, no more than \$1,000.00 to get this done. He knows someone that has a diamond saw that would know how to do it. Councilwoman LeClair stated that she would like to add a push button to allow those with difficulty to get the door open. She didn't know how much they would cost but thought that they could at least install some kind of a buzzer, which would alert someone inside, if somebody needs help getting into the building. Councilman Kusnierz stated that they should consider funding for handicapped accessible doors to be put into next year's budget.

Board Room Repair

Councilman VanTassel reported that there is a tentative start date of November 15, 2016. He may be able to start sooner if he gets free. He also reported having one of three quotes back to complete the repair of the insulation in the attic. He stated that the one quote that they have is for \$750.00 total for materials and labor. He stated that the Building Inspector is still waiting on the other two quotes and they hope to move on this quickly.

TRANSFER STATION - GRINDING QUOTES

There were two quotes received for the grinding of brush at the Transfer Station.

Wood Waste Reduction Services - \$5,000.00
Galusha & Sons, LLC - \$7,113.00

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast approving Wood Waste Reduction Services to provide equipment & labor to grind the yard waste pile at the Transfer Station for a cost of \$5,000.00. This will be paid from Account A8160.4.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

RESOLUTION TO SET SALARIES OF ELECTED OFFICIALS

A regular meeting of the Town Board of the Town of Moreau was held on October 25, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilwoman LeClair stated that the salaries for elected officials have been frozen for 2017 and asked if the Town Board might consider a raise for the Town Clerk and Highway Superintendent. She stated that their positions are full-time and not the same as the other elected officials. She suggested that they be given a 2% raise. Supervisor Congdon was of the opinion that elected officials know what their salaries are when they take office and shouldn't be entitled to a raise until the next election year. Councilman VanTassel stated that he wasn't comfortable with the full-time elected officials not getting a raise. Councilwoman LeClair stated that when they were discussing the Water Superintendent's pay, he made the comment that Jesse was making more money than the Highway Superintendent and less people working under him. The Supervisor stated that the Water Superintendent isn't elected. Councilman Prendergast stated that his position has been consistent for 27 years. He stated that it's not right that the full-time elected officials are singled out and don't get an increase and that they don't deserve an increase simply because they ran for an elected position.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to freeze the salaries for the 2017 Budget for Supervisor, Councilmembers and Town Justices and allow for a 2% increase to the Town Clerk and Highway Superintendent. Salaries as follows:

Supervisor	\$45,076.00
Council people	4 @ \$11,300.00 each
Town Justices	2 @ \$27,478.00 each
Town Clerk	\$44,361.00
Highway Superintendent	\$55,658.00

Councilman Kusnierz stated that his position differs from most of his colleagues. His belief is that it is a privilege to serve the community in his position. He agrees with the Supervisor that there is a difference between elected positions and any other positions in the Town. He stated that there aren't any set hours and went further to state that elected officials don't even have to show up. He stated that some of the elected positions have benefits that go with them. Some of the packages are well over 50% of the salary to go along with their salary. He stated that if you're going to increase the pay for elected officials, it should be across the board and if you're not going to increase the pay, it should be across the board. His belief was that they didn't need to increase elected officials salaries this year.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman VanTassel	Yes
Supervisor Congdon	No

RESOLUTION TO SEND SALES TAX MONEY TO THE COUNTY

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to send \$600,000.00 in sales tax revenue back to Saratoga County to be applied as a credit against the 2017 Saratoga County Real Property Tax Levy.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

POLICY RESOLUTION – COMPENSATION FOR TOWN EMPLOYEES ATTENDING TOWN BOARD MEETINGS

A regular meeting of the Town Board of the Town of Moreau was held on October 25, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A draft resolution was provided with regard to compensation for employees who attend Town Board meetings. The Supervisor asked if anyone had any comments or corrections to the draft. Councilwoman LeClair stated that she thought there were State minimums for time when being asked to work. Attorney O'Hara stated that it's an hour. Any part of an hour would be an hour. Councilman Prendergast asked if they're there for 1 hour and 5 minutes, it would equal 2 hours and the answer was "yes". There was discussion as to how this problem was brought to light. Pete Corlew stated that the policy would be for hourly Department Heads and he was corrected in that the policy would be for any hourly Town employee. The reason for the discussion, however, started because of the hourly Department Heads and their attendance at Town meetings. Elizabeth Lanfear stated that there was a concern over the summer, when it started to rain and the beach was closed. There was a parent that had asked if the Town is required to pay them for the time that was scheduled. Ms. Lanfear stated that per NYS Department of Labor, municipal and government employees are not considered employees under NYS law and therefore are only required to be paid for the time worked. She stated that if an employee is scheduled to work and is only there for 15 minutes, the Town is only required to pay the 15 minutes. Councilman VanTassel stated that if this is going to be a policy, he wants to get it right. Attorney O'Hara stated that you would have to go case by case as to who gets overtime and who gets comp time under the law. He stated that it doesn't necessarily need to be in the resolution, but you need to do things properly. He stated that what the Town is trying to determine with a resolution is what triggers the right to compensation. Councilman Kusnierz asked, if the policy is set, would they have to make determinations on a case by case basis. Councilman VanTassel stated that he wants the policy very clear. He stated that this doesn't have to be resolved tonight and didn't want to be short sighted with the new laws taking place on December 1st. He would like to revisit the laws that will take effect because there may be some salaried employees that this policy would pertain to. Councilwoman LeClair asked that they wait one more meeting before any decisions are made. The Board was in agreement.

SUPERVISOR'S ITEMS

None

PUBLIC COMMENT PERIOD

Vince Spoorer commented about the resolution to send \$600,000.00 in sales tax back to the County and asked how much the Town received in total. The Supervisor replied that for 2016, it was \$2,361,500.00. Mr. Spoorer asked how much of that would be applied to taxes and the Supervisor replied "all of it". He explained that Town Outside and Highway would be getting the balance. Councilman Kusnierz stated that with the tentative budget right now, the Highway Department would be getting \$2,015,000.00 and the Fire Protection District would be getting \$505,000.00, which isn't carved in stone. He stated that the only thing carved in stone is the resolution to send the \$600,000.00 to the County. Mr. Spoorer stated that he was confused on the numbers and the Supervisor replied that his number of \$2,361,500.00 is three months behind. Their numbers are estimations. Mr. Spoorer asked if this was considerably more than last year and the answer was "yes". Councilman Kusnierz stated that they have sent back more to the County in the past. There was conversation as to how the money is distributed and the Supervisor commented that this year the money is more fairly distributed.

Mr. Spoorer asked about the Town Clerk and Highway Superintendent positions and wanted to know who says the positions have to be elected. The Supervisor stated that it was State law.

Reed Antis asked how much other Towns give back to the County and the Supervisor replied that some towns give it all back. Councilman Prendergast stated that they used to send \$800,000.00 back but cut back when fund balance started going down. He stated that the Town of Wilton applies all of the money to the Town tax so they pay a higher County tax.

Mr. Antis asked if sales tax has gone up and Councilwoman LeClair stated that she thought it was 10%.

There was more discussion relating to the amount of sales tax taken in and the estimation of what it would be by the end of the year. The Supervisor stated that this year will exceed last year by \$150,000.00 – \$200,000.00. Mr. Spoorer stated that he had read about the Village residents getting an extra benefit. He

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stated that he considers the Village being the same as the Town. The Supervisor stated that the Village has their own sales tax. He also went on to say that cooperation between municipalities would save the tax payers money.

Reed Antis asked for an update regarding the new Highway Garage roof. It was replied that the matter is still in discovery and is also a topic for discussion in executive session.

Mr. Antis asked about the prison. He thought that when it closed, the State was to send money to be split between three municipalities. He asked if the Board new anything about these funds or if it was an idle promise from the State. The Supervisor thought it was for the sale of the property. Mr. Spoorer stated that it wasn't for the sale but for the closing of the property and that there was \$35,000,000.00 to be split between the Town of Corinth, Town of Wilton and Town of Moreau. The Supervisor thanked Mr. Antis for the tip and stated that they could take this up with the State.

Mr. Antis asked about the VanBuren Street meter house that was to be built with grant money. Councilman Prendergast stated that in spring 2017 construction will begin.

COMMITTEE REPORTS

Councilwoman LeClair stated that there used to be confined space training at the Transfer Station for those who work in the compactor area. She asked the Board how they felt about her asking the Public Safety & Health (Dept. of OSHA) if they would come and do a free inspection for the Town. There were no objections.

Councilwoman LeClair commented about the gardeners who used the Town's garden beds this past summer. There was information put on the Facebook page and the Town Clerk had sent a letter, letting the gardeners know that they need to clear out their beds. Some of the beds haven't been cleared and she would like to send another letter stating that if the beds aren't cleared within two weeks of the date of the letter, they may not be considered for a bed next year. The Board members were supportive for her to send letters.

Councilwoman LeClair also stated that some of the wood, in the garden beds, needs to be replaced and stated that they should talk about this for budget purposes.

Councilwoman LeClair met with the Water Superintendent and the Building Inspector at the pump house that needs to come down and stated that the Building Inspector will be looking into taking the asbestos down vs. tearing the whole building down. She's reached out to the rowing club and asked them to contact the Town as they'll need to remove their equipment before any work is done.

Councilwoman LeClair reported that Bob Vittengl would be meeting with her tomorrow on the trail systems that he had been working on so they can continue to move forward. She stated that he has offered to stay involved. The Supervisor stated that it wasn't an offer that he was interested in. He stated that there are problems with the entire program. He was referring to the logging contract. Councilman VanTassel and Councilman Kusnierz corrected him and stated that it was for horse trails. Councilwoman LeClair stated that Saratoga Plan had reached out to her. They were working on the horse trail and wanted to know where the Town was in the process. The Supervisor stated, that until they find out what happened with the logging, he doesn't want to continue. Councilman VanTassel asked if the County horse trail and the land that the trees were cleared are one in the same. Councilwoman LeClair stated that she would get the maps and give a full review. Councilman VanTassel stated that he was in agreement with the Supervisor if the horse trails are related to the logging dispute. Councilman Kusnierz wanted to state for the record that Saratoga County has the highest number of horses of any county in the State and that the horse industry in Saratoga County is big bucks. It helps the entire County to keep taxes low. Half the real estate in the Town of Moreau is in the Ag District. Anything the Town can do to expand that industry benefits the Town. He's supportive of any project that helps connect the Town with either trails or horses. The Supervisor stated that he was concerned with some answers that he had received and Councilman Kusnierz stated that they were two separate issues. The Supervisor is trying to get to the bottom of the

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logging issue. Councilwoman LeClair stated again that she would be meeting with Bob Vittengl at 5:30pm tomorrow evening if anyone would like to join her.

Jim Rando asked if this was the Big Boom project. Councilwoman LeClair stated that she believed it was part of this project. Mr. Rando stated that there are several neighbors on Old Bend Road that are dead set against the proposed trail. They like the character of the area the way it is right now.

Councilman VanTassel addressed the Board with a concern over the lawn tractor which is presently stored in the Annex Building garage. It was asked if the tractor could be stored somewhere in the Highway garage and it was reported that the Highway Superintendent stated that he didn't have enough room. It was questioned as to who would have the rights to the garage once the contract is signed with Head Start. Elizabeth Lanfear stated that the Town would only be able to access the basement through the garage and that the garage itself would be used by Head Start for their playground equipment. Pete Corlew commented that the Sheriff building is used for the Rec Department golf carts and such for the winter as they don't have enough room themselves. The tractor wasn't stored there because the door opener is broken and the door is too heavy for Mr. Pixley to lift. Councilman VanTassel stated that the old Sheriff building should be able to accommodate the tractor for winter storage. The long term solution, they can deal with in the spring. There were no objections to this suggestion.

Councilman VanTassel stated that they had discussed the bus routes and that Elizabeth had received some statistical numbers on how active that bus is. There was a projected ridership through the end of 2016 to be 12,500 for transit route #5 (South Glens Falls/Moreau). The Supervisor stated that it would be 40 people per day.

Councilman Prendergast reported receiving a message from the Water Superintendent that the Town is supplying the Village of South Glens Falls with water for a couple of days because of repairs that are being made.

Carol Alden stated that in the minutes she had read that the Town would be putting out RFP's for an engineer and asked if this was correct. The Supervisor replied "yes" for next year. She asked if the Town had a written RFP and Councilman VanTassel replied that they had one from last year. Ms. Alden stated that the Town of Malta just did one and suggested that the Supervisor reach out to them to see what theirs looks like.

Mr. Antis asked Councilman VanTassel if there were any fees set for field use. Councilman VanTassel stated that they would hopefully have them before the budget is done.

Elizabeth Lanfear apologized for not being at the meeting earlier but wanted to know what happened with the Color Run. Councilman VanTassel reported that the vouchers were approved and that the project netted the Town about \$3,600.00.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to adjourn to executive session at 8:26 p.m. for the purpose of discussing litigation.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

The Assessor was invited into the executive session.

The Supervisor had asked the Town Clerk to sit in on the executive session and to record the audio. After a brief discussion, the Town Board directed that the Town Clerk not sit in. The Supervisor left the meeting and did not attend the executive session.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session and resume the regular meeting at 9:00 p.m.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Absent

There was no action taken in or as a result of the executive session.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adjourn the meeting for the evening at 9:02 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Absent

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

The above minutes are not intended to be a complete transcript, only a summary. To hear the full audio of the meeting, please visit the Town's website at: www.townofmoreau.org